

## **REMARKS**

### **I. Basis for Amendments**

The Office Action dated December 7, 2004 was in response to the Appeal Brief received on September 1, 2004. The examiner has reopened prosecution.

Claims 1, 13, 14, 20, and 21 have been amended to more clearly define the invention. Claim 1 has been amended to more clearly define the invention by incorporating the feature previously recited in claim 3, which has been cancelled. Claim 14 has been amended to more clearly define the invention by incorporating the feature previously recited in claim 15, which has been cancelled. Applicants reserve the right to pursue cancelled subject matter in a continuing application. Support for the amendment can be found throughout the specification and, for example, on page 6, line 12 to page 7, line 8, and on page 13, lines 27-28.

Claims 1-2, 4-14, and 16 to 23 are now pending. For reasons discussed below, these claims are allowable.

### **II. Claims Objection**

Claims 1 and 14 are objected to for reciting DNA when the art recognized term for such DNA is cDNA.

Applicants have amended claims 1 and 14 merely to clarify the claimed invention. Claims 1 and 14 now refer to a method comprising, in part, synthesizing the first strand cDNA by contacting under conditions conducive to reverse transcriptase activity at least one mRNA in the sample. Applicants respectfully request that the objection to claims 1 and 14 be withdrawn.

### **II. The Claims Are Patentable Under 35 U.S.C. § 112, Second Paragraph**

Claims 13, 14, 20, and 21 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Applicants have amended claims 13, 14, 20, and 21 merely to clarify the claimed invention. Claims 13, 14, and 21 have been amended to provide sufficient antecedent basis.

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**PATENT**

Claim 14 has been amended to clarify steps (e) and (f) of the claim. Applicants respectfully request that the rejection of claims 13, 14, 20, and 21 be withdrawn.

**V. The Claims Are Patentable Over the Cited References**

Claims 1, 2, 4, 5, 7-14, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack et al. (U.S. Patent No. 6,566,502 B1) in view of Gu et al. (U.S. Patent No. 6,436,677 B1). Applicants traverse the rejection.

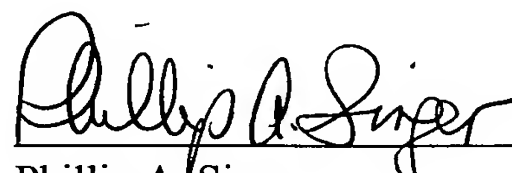
The rejection of claim 1, 2, 4, 5, 7-14, and 16-23 has been rendered moot since applicants have incorporated the limitation of claim 3 into claims 1, 2, 4, 5, 7-13, and the limitation of claim 15 into claims 14 and 16-23, to reduce the issues and without prejudice reserving the right to pursue the claim in a continuing application.

**IV. Conclusion**

In view of the foregoing, the application is now in condition for allowance. The prompt issuance of a formal Notice of Allowance is therefore requested.

If the Examiner believes a telephone conference would expedite allowance of this application, please telephone the undersigned at 206-332-1380.

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